STATE OF NEW YORK

7661

2023-2024 Regular Sessions

IN SENATE

September 20, 2023

Introduced by Sen. WALCZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law, in relation to the crime of criminal impersonation in the first degree

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 190.26 of the penal law, as amended by chapter 2 of the laws of 1998 and subdivision 1 as amended by chapter 434 of the laws of 2008, is amended to read as follows:

§ 190.26 Criminal impersonation in the first degree.

A person is guilty of criminal impersonation in the first degree when he:

1. **(a)** Pretends to be a police officer or a federal law enforcement officer as enumerated in section 2.15 of the criminal procedure law, or wears or displays without authority, any uniform, badge or other insignia or facsimile thereof, by which such police officer or federal law enforcement officer is lawfully distinguished or expresses by his or her words or actions that he or she is acting with the approval or authority of any police department or acting as a federal law enforcement officer with the approval of any agency that employs federal law enforcement officers as enumerated in section 2.15 of the criminal procedure law; and

[~~2.~~] **(b)** So acts with intent to induce another to submit to such pretended official authority or otherwise to act in reliance upon said pretense and in the course of such pretense commits or attempts to commit a felony; or

2. (a) Pretends to be a member of a board of elections or an election officer, as such terms are defined by section 1-104 of the election law, or an employee thereof; and

(b) So acts with intent to cause another to act in reliance upon such pretense; or

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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3. Pretending to be a duly licensed physician or other person authorized to issue a prescription for any drug or any instrument or device used in the taking or administering of drugs for which a prescription is required by law, communicates to a pharmacist an oral prescription which is required to be reduced to writing pursuant to section thirty-three hundred thirty-two of the public health law.

Criminal impersonation in the first degree is a class E felony.

§ 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.